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NEUTRAL RIGHTS AND OBLIGATIONS OF AMERICAN REPUBLICS

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The fortunate isolation of our hemisphere from the turmoils and political rivalries of the eastern world has, with a few notable exceptions, hitherto made our neutral obligations easy and our neutral rights safe.

The present war, with its new methods, its novel and destructive enginery, its wide scope, has brought forward with some sharpness the limits of our obligations and the need for defining our rights.

Materials hitherto innocent, and now adapted to warfare, to the manufacture of explosives and asphyxiating gases, to the construction of aeroplanes, have made unexpected additions to contraband; the scale and magnitude of warlike operations have made endurance the vital, rather than an incidental, element in the ultimate outcome, and have brought foodstuffs into the forbidden circle; the aircraft threatens the humane limitation that hitherto kept undefended towns and their non-combatant population safe from bombardment; the submarine, with the floating mine, while subverting the character of blockade and demonstrating the inadequacy of its prior limitations, makes restricted navigability the plea to justify the disregard of neutral flags and of non-combatants, and threatens to convert the restricted right of search and seizure into a right of destruction without warning. The predominance of sea power is met by the converted cruiser roaming the western and eastern oceans in search of unarmed and peaceful ships of commerce, recalling and surpassing the palmiest days of the universally discarded and rejected privateer.

The time is opportune to define and to emphasize the protection due to neutral interests, and it behooves all neutrals to unite in every effort to minimize the dangers and the injuries arising from these changes in modern warfare.

I should be sorry, in pleading for the rights of neutrals, to show

any lack of sympathy with the stress and strain that war brings upon belligerents, or to minimize those perils and that anguish of war which justify offensive and defensive measures, of necessity involving considerable interference with the normal commerce of neutral countries. This recognition, however, must be reconciled with the proper consideration for the industrial and commercial life of those who have no part in the unfortunate conflict, and are not to be held responsible for its inception. And there should be no especial difficulty in establishing rules for the protection of our western hemisphere, hitherto considered so safely distant from the dangers of European wars. The great concern of belligerents, even among many of those of today, has been, as it always should be, to circumscribe the area of any unavoidable conflict. In this design, which has so lamentably failed on the present occasion, belligerents would be greatly aided to their own relief, as well as to the benefit of the world, by the joint coöperation of all neutrals.

It is a satisfaction, in discussing this question before the American Academy of Political and Social Science, to recall the initiative taken by our South American brethren on the same subject at the session of the Pan-American Union in December last (1914). On that occasion the distinguished representative of the Argentine Republic moved the formation of a committee of nine members, which should study the new problems of international law arising from the present war, and submit such suggestions as should seem to be for the common interest. It was noted that the new problems arising were of interest to the whole civilized world; that the methods of warfare now in vogue were such as to threaten grave injury to neutrals; and that a precise definition of those rights, in view of the new contingencies, was urgently called for; to the end that the freedom of commerce should not be infringed upon beyond the limit absolutely requisite for the military operations of the belligerents. The committee was formed, with our own secretary of state as chairman, and the ambassadors of Brazil, Chili and Argentina, and the ministers of Uruguay, Peru, Honduras, Ecuador and Cuba, as members. No more timely a task could be undertaken, I venture to say, under the lead of this Academy than to awaken the widest interest in the propositions there made, and in the forthcoming work of the committee there appointed. It is an opportunity, moreover, in seconding the initiative of our southern

brethren, to thus give them a formal assurance of the coöperation which they may always expect from us in any movement which may testify to our solidarity in all that can help towards good government and towards just and equitable international relations; and at the same time to forward the immediate purpose of defining clearly the limitation of the privileges accorded to belligerents and framing an equally clear definition of the rights of neutrals in war times. We cannot do better than to join hands with our sister republics to the south in helping to establish these new rules, and with them, broader privileges for the neutrality of this hemisphere.

It is not inappropriate to meet the new creation of war zones with the creation of corresponding and more beneficent peace zones.

In 1820 it was one of the hopes of Jefferson that some day there might be established "a meridian of partition through the ocean which separates the two hemispheres, on the hither side of which no European gun shall ever be heard." While so large a hope may still be of distant realization, the suggestion is pertinent and timely today. With the advent of guns carrying their dreadful missiles a distance of twenty miles, the reason for the three-mile limit of olden times has vanished, and the limit itself should be enlarged to meet the new possibilities of the ordnance of today. The large increase of coasting trade, moreover, calls for a much extended and thoroughly safe zone around the two Americas, beyond which no belligerent should venture without incurring the peril of internment; not otherwise can even our distant shores carry on their commerce with absolute freedom.

The liberty of coaling in neutral zones, so liberally accorded to belligerents, defeats its own purpose when the coaling of European vessels is done on the South Pacific. The injunction that sufficient coal may be furnished to a belligerent vessel to enable her to reach her nearest home port, never had in view the possibility of war-vessels from the ports of Europe marauding in the Indian Seas or the Pacific Ocean. The result of this unlooked for activity has been that belligerent vessels have coaled in the ports of South America, obtaining a sufficient provision to bring them to their nearest home port, and, instead of accepting the corollary of such liberal provision and proceeding to their home ports, have utilized as war material the provision of coal so furnished and have continued their belligerent cruising in close vicinity to American shores.

I indicate this simply as one of the points with reference to which the rights of neutrals on our hemisphere require a new and a more protecting definition.

The invitation by the South American republics to take up the study of such a question in a joint conference is a welcome and a not unexpected addition to the friendly service extended to us by the Argentine Republic, Brazil and Chili, in the offer of their mediation to put an end to controversies arising from the unfortunate events in our sister republic of Mexico. And as we welcomed that friendly and pacific suggestion, so it seems to me it would be appropriate that we should act in concert with South America upon this broader and equally beneficent proposal. The proposal is itself comforting as a manifest assurance that the men entrusted with the political destinies of these sister republics do not share in the doubts, too often and, perhaps I may add, too vehemently expressed by publicists upon whose shoulders do not rest the present burden of government. Only such distrust could stand in the way of profitable coöperation between North and South America at this stage. This distrust, I am confident, is not universal, and I am still more confident is quite unfounded. Our coöperation today must tend to dissipate it and correct any misconceptions of our attitude towards our sister republics.

The basis of this distrust is largely a misinterpretation—not to say a distortion—of the policy adopted by this country nearly a century since, and which has become to many a household word—to others a by-word—under the title of the “Monroe Doctrine.” This misinterpretation has not been confined to our South American brothers. A large share of it was born on our own soil, and many Americans have been anxious to avoid joint political action, while the South Americans have dreaded it, as the insidious approach to a control inconsistent with the respect due to independent nationalities.

“Yankee imperialism” is the term applied to the American policy by Mr. Perez Triana, while admitting that from the time of the declaration of President Monroe “Europe has acquired no colonies in America because the United States has prevented it,” and admitting the danger of the present war to be that “no matter which group may win, victorious militarism will impose itself for a long time upon the official policies of the nations”; and conceding

the fact that if European conquerors have not invaded America in the past, and will not in the future, this may be attributed entirely to "the potential power of the United States."

Yet, as early as October, 1808, Jefferson voiced the feeling of this country when he wrote to Governor Claiborne—"We consider the interests of Cuba, Mexico and ours as the same, and that the object of both must be to exclude all European influences from this hemisphere." How truly that represented the feeling of the American people may be attested by what happened to Cuba nearly a century later, and although at no time during that century were we blind to the strategic importance of that island for the protection of the United States against the European influences from which the South American continent has been so long protected, the distinguished Argentine statesman, Senor Saenz-Pena, gives utterance to the same distrust, and both of these gentlemen emphasize the fact that the policy enunciated in Monroe's message was one of self-interest and self-protection for the United States. This need not be questioned, but it remains none the less true that only by securing our own protection could we obtain or retain the power to extend equal protection towards our new-born brethren. Nor can it obscure the fact that, in adopting such a policy, our own interests were happily at one with the higher and nobler cause of political freedom.

The distinguished Peruvian, Garcia Calderon, in a profound study of the Latin democracies, while acknowledging that all the efforts of the new republics could not have prevailed against the aspirations of Europe to establish their supremacy over them, unless the Monroe Doctrine had stood in the way of such conquests and extended its tutelage as a protection; while admitting that the United States had upheld the independence of feeble states, proclaimed the autonomy of the continent, and contributed to conserve the nationalities of Southern America by forbidding the formation of colonies, and defending the republics against reactionary Europe; that South America cannot dispense with the influence and the exuberant wealth of the Anglo-Saxon North—who, he generously concedes, has created an admirable democracy, reconciled equality with liberty, given to all her citizens fair play and equal opportunities, liberated Cuba, and transformed an exhausted island into a prosperous country, installed schools which furnish adequate educa-

tion to the "impressionable and nervous race"—yet insists that the aim was to make a trust of the South American republics; and that to save themselves from "Yankee imperialism," the American democracies would almost accept a German alliance or the aid of Japanese arms; that our patriotism has been transformed into imperialism, and our policy passed from defense—through intervention—to offense, and that the autonomy procured for Cuba at such sacrifice of blood and treasure may well be a treacherous gift—like to the Trojan horse!

Yet, Mr. Calderon, in pleading for a thorough South American union, is forced to concede that the United States have used all their influence to bring it about in the case of the Central American republics.

What can we do to allay these suspicions of our southern brethren?

Surely, to unite with them in pressing for a proper definition of neutral rights on this hemisphere, and a proper limitation of neutral obligations, must have some weight in convincing the doubtful.

Calderon himself admits that contact with Anglo-Saxon civilization may partially renew the South American spirit without infringing upon its originality, or its traditions, or its ideals.

In 1869 William H. Seward wrote:

All that remains now necessary is the establishment of an entire tolerance between the North American states and the South American republics, and the creation of a mutual moral alliance—to the end that all external aggression may be prevented, and that internal peace, law and order, and progress may be secured throughout the whole continent.

Some form of coöperation is essential to the carrying out of a program so beneficial to both North and South America; not necessarily an alliance, but surely an understanding, or, to use the French phrase, an "entente."

We have—not unwillingly—tendered our offices to stand between Latin-American republics and forcible seizure by European powers. Let us now show that these were amicably extended, as from one independent sovereignty to another, by today acting in unison with these same independent sovereignties upon an international subject that concerns us all equally, even though not to the same degree.

An early evidence of our anxiety, not to interfere in any manner with South American autonomy, was the message of President Adams of the 26th of December, 1825, in which, treating of the forthcoming Panama Congress, he suggested an agreement that each of the countries represented should undertake, by its own means, to prevent the establishment of European colonies within its limits; and that the acceptance of this principle should be urged upon the new nations to the south of us, so that this national responsibility should be recognized as an essential corollary of their independence. And again in March, 1826, Mr. Adams declared that whatever agreement should be arrived at should not go beyond the mutual covenant of all to maintain the principle, each upon his own territory.

Surely, this gave no evidence of the desire to impose an undesired hegemony; nor does our patience with the internal struggles of our immediate neighbor to the south, with whose privileges of nationality we are unwilling to interfere, although as Calderon tells us, "there anarchy is paving the way to servitude."

It is small wonder, then, that Carlos Calvo, the great international publicist, who does such honor to Argentina, should have said of the policy of the United States that it was "declaratory of complete American independence," or that Anibal Mautua, from Peru, should have said, as late as 1901, that the message was "a Pan-American declaration," or that Carlos Arena y Loayza should have said in 1905 that the policy is

linked with our past, and with our present, and gives us the key to the future of these Republics . . . which are called upon to have one and the same spirit, and to work in accord, in edifying friendship, for justice and peace on earth.

Nor should our friends forget, in taxing the policy with total selfishness, that, in the very incipency of their movement of liberation, as early as the 14th of May, 1812, Monroe—then secretary of state—wrote to Alexander Scott—then already established as a United States agent to Venezuela:

Instructions have already been given to their ministers at Paris, St. Petersburg and London, to make known to these courts that the United States take an interest in the independence of the Spanish Provinces.

We are told that the possibility of armed invasion is a thing of the past, and that, in the words of Mr. Maurice Low, "the lust for

land no longer exists." This may be doubted if we consider how recently the Treaty of Berlin proved rather an aid than an obstacle to the absorption of Bosnia and Herzegovina; when we recall the appropriation of Turkish Tripoli, explained by Mr. Ripardi-Mirabelli in the *Belgian Review of International Law* as a necessity for the expansion of Italy's new national life, and the logical outcome of the absolute freedom of states to make war upon another whenever they consider it indispensable for the satisfaction of their primary needs.

That this "lust for land" has not disappeared, but, quite the contrary, is searching for new fields, is the testimony of Dr. Kraus, of Leipzig, who warns us that if Southern America has not yet become the field of fierce rivalry among European nations, it is because of the policy to which the United States has firmly held, to which he adds, that

it would require a conscious effort for the people of a continent whose political sense and feeling are at present influenced by an incessant rivalry for colonial expansion, to conceive that a state may have any other political ideal—that its ambition may not necessarily strive for increase of power by colonial acquisition.

Calderon also tells us that German professors are condemning the Monroe Doctrine and

regard the Yankee thesis merely as a perishable improvisation upon a fragile foundation. The interest of Germany demands that the United States should abandon their tutelage, and that the swarming Germanic legions should invade the southern continent.

But, assuming that Mr. Low's "lust for land" has so far diminished that its satisfaction is not likely to be sought for by deliberate invasion, the old method has been supplanted by the more subtle influence of economic advantages, of commercial and financial penetration. Professor Loria, of Turin, who does not take the advanced (or retrograde) view of Ripardi-Mirabelli, calls our attention to these monetary relations, which he warns us have acquired great importance in our times and may be the cause of seriously undermining the independent sovereignty of smaller states. The non-payment of interest on bonded debts—no matter by what cause payment is delayed—exposes the debtor state to an intervention of the creditor states, which, beginning by the appoint-

ment of a mixed commission, often ends in actual political interference.

The logical application of the policy which would preserve intact democratic sovereignties on this hemisphere, must find some remedy for this twentieth century method of possible political control by European powers. Mr. Poincaré, writing an appreciative preface to Mr. Calderon's keen exposition of the South American situation, expresses particular approval of Calderon's warning against excessive loans. Calderon's warning is against the influence of capital. "Against fiat invasion by any power the tutelage of the United States is a protection," he tells us. But he adds, as already noted, that South America cannot dispense with the "exuberant wealth" of the Anglo-Saxon North, and that "the defense of the South should consist in avoiding the establishment of privileges or monopolies, whether in favor of North Americans or Europeans." Beaumarchais, an unsparing analyst and critic of the American policy, declares that the policy involves the freedom of the former Spanish colonies from the commercial subjection to Europe.

That such an application of the American policy should not interfere with activities "*purely* economic"—to use Dr. Kraus' words—or "*merely* commercial activities"—as Professor Wambaugh phrases it—goes without saying. But the record shows too vividly how difficult it is to restrain within these bounds financial operations which may result in such eventualities as the enthronement of Maximilian in Mexico, or as the loud demands of European cannon for economic redress at the ports of Venezuela and of San Domingo. Even with larger and more prosperous nations within the European boundary, examples of a financial bondage are not wanting. It is notorious that German capital in Italy was so intrenched, so interwoven with her pressing needs, that liberation was indispensable to give Italy a freed hand—a liberation brought about by allied advances which cancelled the indebtedness towards Germany. So that, while it is universally conceded that the policy first expressed in international form by Monroe stood in the way of European occupation of American territory, or the establishment of European governments on this side of the Atlantic, the logical development of that policy and its application to new situations require that this hemisphere shall also be defended against such financial situations as may result in the practical subjection to

European influences, with the danger of armed interference as a result of financial disaster.

That this should still be a live question is largely due to our own lack of appreciation of the opportunities and of the duties which lay before us, due to the natural difficulties of assimilation and to our own apparent unwillingness to bend ourselves to the necessities of the situation and get a better comprehension and a more sympathetic appreciation of the qualities of our southern neighbors. It is this which has permitted the commercial and economic primacy of Europe, as well as its intellectual dominance over the South American continent. Only within the most recent period has the enterprise of an American bank brought Argentine exchange to New York, and not yet is it feasible to make as rapid, or as comfortable, a journey from Buenos Ayres to New York as from Buenos Ayres to London.

This is the new application and logical expansion of the policy enunciated in 1823; and I speak of it as a policy rather than as a doctrine. It is the enunciation of a system countenanced by America in the conduct of its public affairs and relating to its intercourse with European countries in reference to this hemisphere. As such a policy, it is in consonance with the aspirations of all America. Between those who choose to treat it as dead, those who would abandon it, those who misinterpret it, those who make of it the vehicle of swaggering imperialism, those who dread the consequences both to ourselves and to our neighbors of its expansion into, or acceptance as, an American "entente," is there no happy medium, no middle way which would bring us all together on the path of unselfish and wise unity, in reaching which we may find that sincerity, fair dealing, regard for the rights of others, strict respect for national autonomy, comprehension of others' needs, as well as of our own, make not only for peace but for mutual prosperity?

This is the policy as today understood and as today applied.

It is not amiss to repeat here the words of our distinguished president on this subject. Addressing a commercial congress at Mobile, in October, 1913, he says:

You hear of "concessions" to foreign capitalists in Latin America. You do not hear of concessions to foreign capitalists in the United States. They are not granted concessions. They are invited to make investments. It is an invitation, not a privilege; and states that are obliged, because their territory does not lie

within the main field of modern enterprise and action, to grant concessions are in this condition, that foreign interests are apt to dominate their domestic affairs, a condition of affairs always dangerous and apt to become intolerable. What these states are going to see, therefore, is an emancipation from the subordination, which has been inevitable, to foreign enterprise and an assertion of the splendid character which, in spite of these difficulties, they have again and again been able to demonstrate. The dignity, the courage, the self-possession, the self-respect of the Latin American states, their achievements in the face of all these adverse circumstances, deserve nothing but the admiration and applause of the world. They have had harder bargains driven with them in the matter of loans than any other peoples in the world. Interest has been exacted of them that was not exacted of anybody else, because the risk was said to be greater; and then securities were taken that destroyed the risk—an admirable arrangement for those who were forcing the terms.

I rejoice in nothing so much as in the prospect that they will now be emancipated from these conditions, and we ought to be the first to take part in assisting in that emancipation.

We must prove ourselves their friends and champions upon terms of equality and honor. You cannot be friends upon any other terms than upon the terms of equality. You cannot be friends at all except upon the terms of honor. We must show ourselves friends by comprehending their interest whether it squares with our own interest or not. It is a very perilous thing to determine the foreign policy of a nation in the terms of material interest. It not only is unfair to those with whom you are dealing, but it is degrading as regards your own actions.

Comprehension must be the soil in which shall grow all the fruits of friendship. . . . I want to take this occasion to say that the United States will never again seek one additional foot of territory by conquest. . . .

She must regard it as one of the duties of friendship to see that from no quarter are material interests made superior to human liberty and national opportunity. I say this, not with a single thought that anyone will gainsay it, but merely to fix in our consciousness what our real relationship with the rest of America is. It is the relationship of a family of mankind devoted to the development of true constitutional liberty. We know that that is the soil out of which the best enterprise springs. We know that this is a cause which we are making in common with our neighbors.

In emphasizing the points which must unite us in sympathy and in spiritual interest with the Latin American peoples we are only emphasizing the points of our own life, and we should prove ourselves untrue to our own traditions if we proved ourselves untrue friends to them.

At a still earlier date—on the 12th of March, 1913—the president made this formal announcement:

One of the chief objects of my administration will be to cultivate the friendship and deserve the confidence of our sister republics of Central and South America, and to promote in every proper and honorable way the interests which are common to the peoples of the two continents. I earnestly desire the most

cordial understanding and coöperation between the peoples and leaders of America, and, therefore, deem it my duty to make this brief statement.

Mutual respect seems to us the indispensable foundation of friendship between states as between individuals.

The United States has nothing to seek in Central and South America except the lasting interests of the peoples of the two continents, the security of governments intended for the people and for no special group or interest, and the development of personal and trade relationships between the two continents which shall redound to the profit and advantage of both and interfere with the rights and liberties of neither.

This "cause which we are making in common with our neighbors," and these "interests which are common to the peoples of the two continents," unquestionably embrace a proper limitation and a clear definition of American neutral rights and obligations, and the occasion offers us an opportunity to unite with our sister republics of the south in this common cause, which in this instance is also the common cause of humanity.

Surely, all the nations of both Americas are desirous of avoiding entanglements with European or Asian nationalities; all are at one in the determination that they must be unhampered in developing their own political future in the democratic forms of government which they have adopted; safe from either forcible or insidious influence of other powers. To this their distance from the shores of the eastern hemisphere is some protection, but their own mutual understanding and coöperation will always be far more potent.

As for material progress and development, a like understanding and coöperation must surely enhance it; a more active commercial intercourse; more and better means of communication will open additional markets for their exports, and greater competitive fields from which to draw their imports. The financial center is no longer safely anchored in Europe; the present growth and the immediate possibilities of our own money markets offer opportunities for trade which, in the interest of all, should be availed of and fostered; it is the part of wisdom that every portion of the western world should come to an intelligent and amicable understanding of the respective advantages which each portion offers to the other, and by such understanding make them the more fruitful.

It is time for suspicion and distrust,—restless and disturbing bedfellows,—to give way to confidence. It is time for united action in all those things which are unquestionably of common interest.

Fair and liberal commercial relations are one of these things; favorable credits on the one hand, reasonable security on the other; mutual helpfulness in the enhancing of transportation facilities, due regard for local requirements in shipping; all these are helps which will be of equal benefit to all.

The safeguarding of our distant and neutral shores from any noxious effects of eastern wars is a prerequisite condition of uninterrupted economic activity, to ensure which we can and should unhesitatingly unite.

To work this forward step in the international relations of war will be also, let us hope, a step in our further union; our further union for the protection and enhancement of our mutual economic interests; our union in an earnest endeavor to bring about that financial and economic emancipation of all Latin American countries, which President Wilson has so earnestly and eloquently advocated—precisely as in the message of President Monroe a like emancipation was sought against political and governmental influences on this western hemisphere. We may thus hope to give assurance to the world that America—the two Americas—stand together, and that, far from becoming imperialistic and oppressive, the policy of Monroe has blossomed into a newer and larger fraternity which henceforth may be known as the “Wilson Doctrine.”